Accountability Report

2015–2016

Justice

NOVA SCOTIA

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Accountability Statement

The Accountability Report of the Department of Justice for the year ended March 31, 2016 is prepared pursuant to the *Finance Act* and government policies and guidelines. These authorities require the reporting of outcomes against the Department of Justice Statement of Mandate for the fiscal year just ended. The reporting of the Department of Justice outcomes necessarily includes estimates, judgments and opinions by Department of Justice management.

We acknowledge that this Accountability Report is the responsibility of Department of Justice management. The report is, to the extent possible, a complete and accurate representation of outcomes relative to the goals and priorities set out in the Department of Justice 2015-16 Statement of Mandate.

Diana Whalen
Minister

Tilly Pillay, QC
Acting Deputy Minister

Message from the Minister and Deputy Minister

On behalf of the Department of Justice, it's our pleasure to present the Accountability Report for the 2015-16 fiscal year. The Department of Justice is responsible for the administration of justice and for promoting the safety and security of Nova Scotians through justice-related programs, services and initiatives. Through this report, a summary of the progress the department has made in two priority areas is outlined. These two areas are:

- Improving Access to Justice; and
- Working Together for Community Safety and Wellbeing

We're pleased to report that there has been progress made in both of these areas. In the past year, the Department of Justice has:

- Started making improvements to the Maintenance Enforcement Program to help families get their support and make their interactions with the program easier.
- Received Murray Segal's review into the Rehtaeh Parsons matter and are working with our partners to assess and respond to the report's recommendations.
- Enhanced the Nova Scotia Family Law website with a series of new online services such as online application kits, online intake and an online information program.
- Continued the collaborative approach to rehabilitative programming for adults and youth offenders.
- Consulted and shared results with Nova Scotians on how to protect the rights of people who rely on guide and service dogs, and laid the groundwork for legislation.
- Modernized the *Maintenance and Custody Act*, making it easier for families to deal with a breakup and giving courts more methods to enforce parenting arrangements.
- Continued the implementation and testing of the Ceasefire program aimed at reducing gun violence in specific geographic areas of the Halifax Regional Municipality.
- Worked in ongoing partnership with the union to address occupational, health and safety concerns of Sheriffs.
- Updated the *Limitations of Actions Act* to simplify the legislation and provide more certainty and better protections for victims.
- Improved efficiency in paying speeding ticket and other summary offense tickets with an online option.
- Paid the second maximum reward of $150,000 under the Rewards for Major Unsolved Crime Program. A tip received helped police solve a Halifax homicide.
- Worked with policing partners and Facebook Canada to launch a strong social media presence for the province's AMBER Alert program.
- Extended the Court-Monitored Drug Treatment Program in fall of 2015, ensuring offenders continue to take responsibility for their actions and commit to addiction treatment.
- Updated the *Public Inquiries Act*, providing better protection to participants.
- Updated the *Elections Act*, giving voters more opportunities to cast their ballot.

We want to recognize the hard work and contributions of our department's almost 1,600 staff members. Their dedication and professionalism is essential to the delivery of our efficient and impartial justice system. We present this Accountability Report with sincere thanks to our employees and partners across the province, and to you, the reader, for the interest you show in our accomplishments.

Thank you

Diana Whalen
Minister

Tilly Pillay, QC
Acting Deputy Minister

Financial Results

Justice		
	2015-16 Estimate	**2015-16 Actual**
Program & Service Area	($ thousands)	($ thousands)
Gross Departmental Expenses:		
Administration	22,394	21,640
Nova Scotia Legal Aid	24,340	24,340
Court Services	69,199	70,512
Correctional Services	69,443	69,343
Public Trustee	2,375	2,193
Fatality Inquiry Act	4,057	4,390
Public Safety	135,172	134,381
Serious Incident Response Team	613	614
Total Gross Department Expenses	327,593	327,413
Additional Information:		
Fees and Other Charges	(22,779)	(22,019)
Ordinary Revenue	(1,583)	(1,648)
Ordinary Recoveries	(112,440)	(113,402)
TCA Purchase Requirements	3,765	1,814
Provincial Funded Staff (FTEs)	1,607	1,591

Measuring Our Performance

OUTCOME: Improving Access to Justice

Enabling timeliness of service[1]

One essential part of ensuring access to justice is improving timeliness of service. Delays in service delivery can have significant impacts, including case collapse, increased conflict and inefficient use of court resources. Three measures for case processing times have been identified to assess the extent to which the Department of Justice enables timeliness of service. These include case processing times in adult criminal court proceedings, youth court proceedings and family law proceedings.

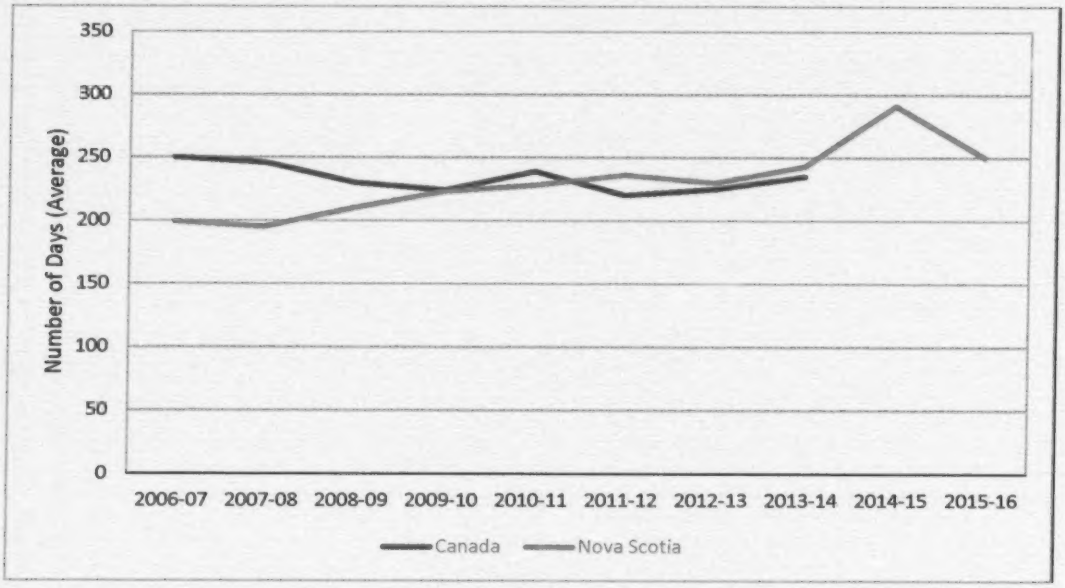
Performance Measure: Case processing times in adult criminal court

Case processing time in adult criminal court reflects the average number of days it takes to process cases from first appearance to final disposition.

In 2015-16, the average case processing time for adult criminal court cases in Nova Scotia was 250 days. This was a decrease of 41 days (14%) from 2014-15 but an increase of 55 days (28%) from 2006-07.

It should be noted that in 2014-15, there had been a substantial increase in average case processing time which was due in part to an increase in the number of cases which had been before the courts for 15 years or more and were withdrawn or dismissed. There were 92 such cases in 2014-15 as compared to 37 in the prior year. The increase in the number of unusually long cases concluding in 2014-15 skewed the average case processing time.

Chart 1: Average case processing time (days) in adult criminal court



Source: Statistics Canada, Adult Criminal Court Survey, Justice Enterprise Information Network (JEIN), Nova Scotia Department of Justice.
Note: 2012-13 to 2014-15 figures are currently unavailable from Statistics Canada. Figures included here for that time period are based on Nova Scotia Department of Justice data. When this data becomes available from Statistics Canada, Nova Scotia figures will be revised and national level data included.

Nationally, average adult case processing time increased in 2012-13 and 2013-14, the last year for which national figures are available. Nova Scotia's average case processing time was above the national average between 2011-12 and 2013-14.

The Department of Justice's goal is for Nova Scotia's average case processing time for adult criminal court cases to meet or fall below the Canadian average. To help achieve this goal, the Department will explore mitigation strategies including:

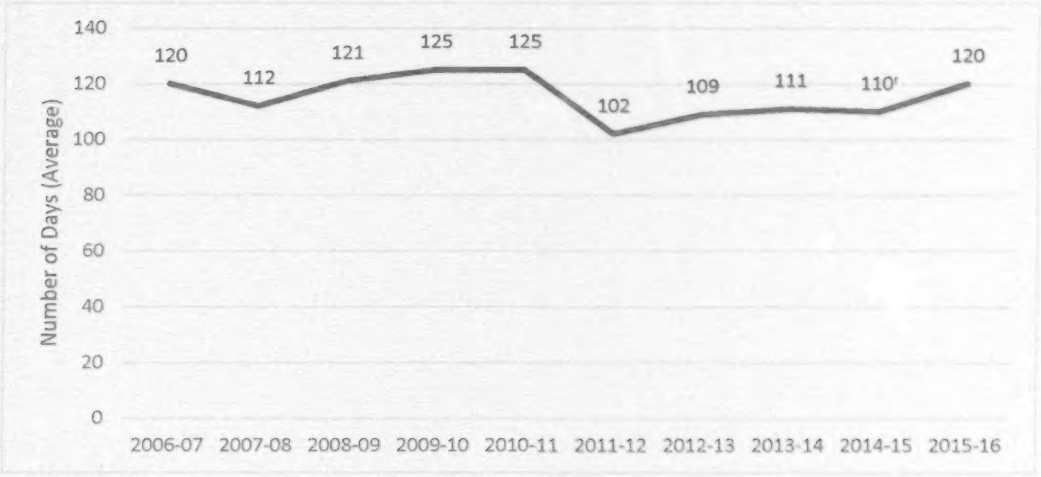
- Instituting the Provincial Court Case Processing Project, which will address delays in criminal matters through proportionate responses. It will recommend appropriate diversion and early diversion resolution options; triage serious or complex cases; and streamline appearances to reduce unnecessary adjournments.
- Expanding the Restorative Justice Program to adults.
- Working with judiciary, staff and justice partners to implement business process improvements in court services.
- Increasing the use of technologies, such as video conferencing in courtrooms.

Performance Measure: Case processing times in youth court[1]

This measure indicates the average amount of time it takes to process cases in youth court from first appearance to final disposition. It is measured against a target of 98 days established upon recommendation from the Nunn Commission of Inquiry.

In 2015-16, the average time to process a case in youth court was 120 days. Since 2006-07, youth court case processing time has fluctuated (Chart 2). Following a large drop in 2011-12, case processing times have been generally trending upward. Despite this increasing trend, average case processing time in 2015-16 was consistent with the base year of 2006-07.

Chart 2: Average case processing time (days) in youth court[ii]

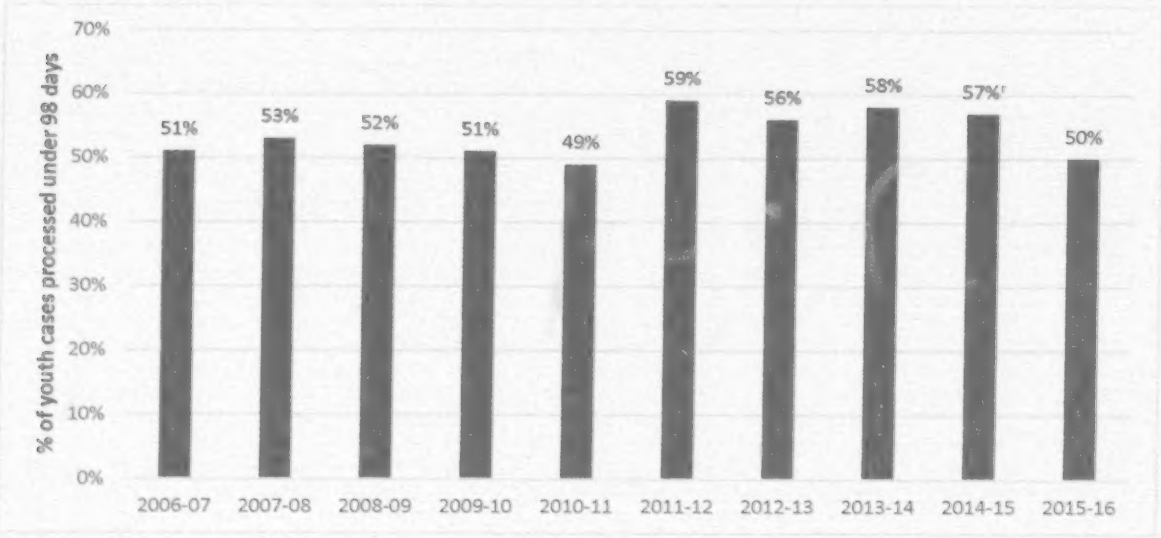


r=revised figure
Source: Justice Enterprise Information Network (JEIN), Nova Scotia Department of Justice.

In 2015-16, 50% of youth court cases were completed within the targeted 98 days. Similar to average case processing times, the percentage of youth criminal court cases completed within the 98 day target has fluctuated over the past 10 years (Chart 3).

[1] **Nova Scotia excludes cases involving restorative justice and bench warrants when calculating youth case processing times. Restorative justice cases are excluded because, on average, it takes over 200 days to complete these cases and this can artificially inflate the overall processing times. Bench warrants are excluded because, once issued by the Court, the Court cannot control how long it takes to have that warrant executed.**

Chart 3: Percentage of youth criminal court cases completed within the 98 day target[iii]



r=revised figure

Source: Justice Enterprise Information Network (JEIN), Nova Scotia Department of Justice.

With the goal of meeting the targeted 98 days for youth case processing, mitigation strategies in addition to those mentioned in the adult case processing measure include:

- The youth court best practices committees at provincial Justice Centres will continue their work and coordinate the efforts of all stakeholders.

Performance Measure: Case processing times in family law proceedings

The department is in the process of developing a case management tool that will enable the reporting of case processing times in family law proceedings province-wide. With this information, the department will be able to set targets and identify key areas for improvement in case processing.

It is anticipated that the department will be in a position to report on this measure in its 2016-17 Accountability Report.

Facilitating informed decision-making by providing accurate and timely information and support to government and the public[iv]

The justice system can be complex and the provision of accurate and timely information and support to government and to the public is a key part of improving access to justice. The three measures presented below are based upon the responses to an online survey on the Family Law Nova Scotia website at http://www.nsfamilylaw.ca/ from April 1, 2015 to March 31, 2016.[v] These measures are designed to assess the extent to which the site is providing the information respondents need in relation to family law.

Performance Measure: Percentage of web survey respondents who agreed with the statement: *I am more confident I have the needed information to deal with my case.*

This performance measure provides the percentage of web survey respondents who agreed with the above statement:

Year	% of web survey respondents	Total number of respondents
2015-16	56	259

In 2015-16, the majority (56%) of respondents agreed that they were more confident they had the information they needed to deal with their own family law situation after visiting the website.

Performance Measure: Percentage of web survey respondents who agreed with the statement: *My knowledge of family justice matters has improved based on spending time on this website.*

The performance measure reflects the percentage of respondents who agreed with the above survey statement about the impact of the Family Law Nova Scotia website on their knowledge of family law in general.

Year	% of web survey respondents	Total number of respondents
2015-16	62	264

In 2015-16, close to two-thirds (62%) of respondents agreed that their knowledge of family justice matters improved after spending time on the website.

Performance Measure: Percentage of web survey respondents who agreed with the statement: *The website helped me learn different ways of resolving conflict with respect to my family law issues.*[vi]

This measure assesses the extent to which the website provides users with information on different ways of resolving conflict related to family law issues.

Year	% of web survey respondents	Total number of respondents
2015-16	44	243

In 2015-16, 44% of respondents agreed that the website had helped them learn different ways of resolving conflict with respect to their family law issues.

OUTCOME: Working Together for Community Safety and Wellbeing

Working with partners and communities to support innovative initiatives to prevent and reduce crime and victimization[vii]

The prevention of crime and victimization is a concerted effort of individuals, communities, businesses, police services and government agencies working together to address the root causes of crime. The department is measuring its progress in this area through a number of indicators. These include: the number of partnerships maintained and/or created, the number of outreach education sessions provided by the CyberSCAN team, the number of gun-related incidents in areas where the *CeaseFire-A Nova Scotia Approach* program is being tested, the number of core programs offered in custody and community by site, and the public's confidence in the justice system.

Performance Measure: Number of partnerships maintained and/or created (HUB, CeaseFire, Restorative Approaches in Schools)

This measure counts the number of partnerships that the Department of Justice has or is developing with the community and other justice system partners. In particular, it highlights the partnerships relating to three main initiatives; HUB, CeaseFire and the Restorative Approaches in Schools program. Each of these initiatives are aimed at preventing and reducing crime.

Year	Number of partnerships
2013-14	103
2014-15	132
2015-16	133

By 2014-15, the department had reached the target of 132 partnerships. This target was maintained in 2015-16 with 133 partnerships. From 2013-14 to 2015-16, there was an increase of 30 partnerships or 29%.

Performance Measure: Number of outreach education sessions provided by CyberSCAN team

CyberSCAN was established as Canada's first cyberbullying investigative unit. On December 11, 2015, the *Cyber-Safety Act* was struck down after the Supreme Court of Nova Scotia ruled that

the legislation violated the *Charter of Rights and Freedoms*. The Department is working on new legislation, which may be ready for the fall of 2016. Depending on the time required to conduct consultations, that time frame may extend into 2017.

The CyberSCAN unit has shifted its focus towards education and prevention. It continues to play a central role in the department's efforts to build a stronger understanding of digital citizenship through the provision of outreach education sessions.

The target for this measure was 100 outreach education sessions. In 2015-16, CyberSCAN team continued to greatly surpass this target with 344 education sessions.

Year	Number of outreach education sessions
2014-15	373
2015-16	344

Performance Measure: Number of gun-related incidents in geographic regions where health based gun violence response model is being tested[viii]

The measures refers to the number of gun-related incidents in geographic regions where the *CeaseFire – A Nova Scotia Approach* is being tested, in the Halifax Regional Municipality only. The measure counts "shots fired calls" received by Halifax Regional Police per calendar year.

Year	Number of gun-related incidents
2013	37[ix]
2014	28
2015	18

The base year for this measure is 2013 during which there were 37 incidents. The target was a decrease of 5% in incidents over the previous year. In 2014, there were 28 gun-related incidents in the Halifax Regional Municipality, representing a decrease of 9 incidents or 24% from the previous year. In 2015, there were 18 gun-related incidents, representing a decrease of 10 incidents or 36% from 2014. Compared to 2013, the 2015 numbers represent an overall decrease of 19 incidents or 51%.

Performance Measure: Number of core programs offered in custody and community by site [x]

This measure reflects the extent of core programming offered to adult and youth offenders in custody and community by the Department of Justice.

Year	Number of core programs offered in custody and in community	
	Adults	Youth
2013-14	21	12
2014-15	29	16
2015-16	35	14

In 2015-16, 35 core programs were offered to adults and 14 programs were offered to youth in custody and in the community. The Department reached its target to maintain or increase programs offered from the base year of 2013-14. Adult programming increased by 14 from 2013-14. A focus on case management activities in adult custody during 2015-2016 resulted in increased programming for offenders.

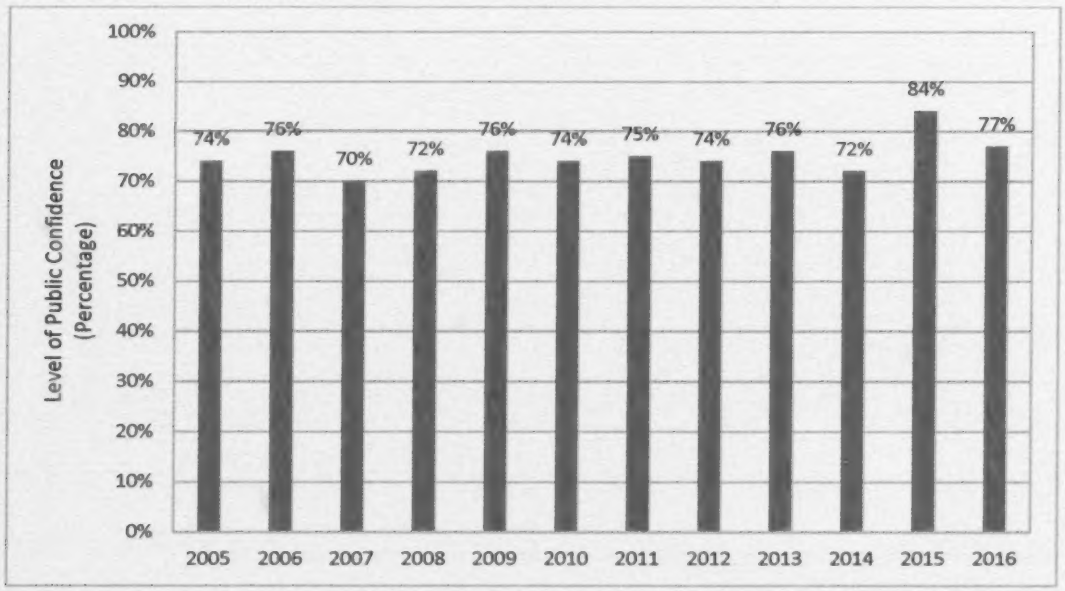
There were 14 core programs offered to youth in custody and community in 2015-16 which was two more than the base year of 2013-14 but two fewer than 2014-15. In 2015-16, *Rites of Passage* was not offered as it experienced a shortage of facilitators but is scheduled to be re-launched in September 2016. The *VOICES* and *Girls Circle* programs were previously offered to female youth in custody. However, due to the low numbers of female youth in custody these programs weren't offered in 2015-16. *Options to Anger* was not provided in 2014-15 but was offered in 2015-16.

Moving forward the department will continue its focus on enhancing rehabilitative programming for adult offenders and partnering with other government departments and local health authorities to improve collaborative rehabilitative programing for youth.

Performance Measure: Public's confidence in the justice system

The Department of Justice surveys Nova Scotians annually to gauge public confidence in the justice system through the Atlantic Quarterly survey. The results of this survey provide an indication of the public's level of confidence in the justice system as a whole. The department has established a target of maintaining or increasing public confidence relative to the base year of 2005.

Chart 5: Level of Public Confidence in Justice System.



Source: Atlantic Quarterly Survey
Sample size margin of error is 4.9%

Overall, public confidence in Nova Scotia's justice system remained relatively stable between 2005 and 2014. This was followed by a statistically significant increase in public confidence ratings in 2015, when 84% of respondents indicated that they had some or a great deal of confidence in the justice system. In 2016, the percentage decreased to 77%, which is similar to the base year of 2005.

The department continues to work to ensure that Nova Scotians retain confidence in their justice system. This includes improving access to justice through continuing to work on the Provincial Court Case Processing Project, increasing the use of technologies in the courtroom, working with our Justice partners to reduce delays and improve intake, and enhancing family law programs and services with new online resources. In addition, the department will continue its collaborative approach to offender rehabilitative programming and crime prevention.

Supplemental Information and Appendices

Appendix A: Public Interest Disclosure of Wrongdoing Act

The *Public Interest Disclosure of Wrongdoing Act* (PIDWA) was proclaimed into law on December 20, 2011.

The Act provides for government employees to be able to come forward if they reasonably believe that a wrongdoing has been committed or is about to be committed and they are acting in good faith.

The Act also protects employees who do disclose from reprisals, by enabling them to lay a complaint of reprisal with the Labour Board.

A wrongdoing, for the purposes of the Act is:

a. a contravention of provincial or federal laws or regulations
b. a misuse or gross mismanagement of public funds or assets
c. an act or omission that creates an imminent risk of a substantial and specific danger to the life, health or safety of persons or the environment, or
d. directing or counselling someone to commit a wrongdoing

The following is a summary of disclosures received by the Department of Justice.

Information Required under Section 18 of the Act	Fiscal Year 2015-2016
The number of disclosures received	0
The number of findings of wrongdoing	N/A
Details of each wrongdoing (insert separate row for each wrongdoing)	N/A
Recommendations and actions taken on each wrongdoing (insert separate row for each wrongdoing)	N/A

Notes pertaining to performance measures:

[i] The Department of Justice went through a strategic planning process during which our outcomes and sub-outcomes were reviewed and revised. The wording of this sub-outcome in the 2015-16 Statement of Mandate was "Nova Scotians have better access to justice through improved court case processing times" but has been changed to "Enabling timeliness of service."

[ii] In the 2014-15 Accountability Report, the average youth case processing times were reported as 113 days. This figure was revised to 110 days due to the identification of additional cases involving restorative justice which were subsequently removed from the analysis, as well as the correction of case times for a small number of cases found to have incorrect end dates.

[iii] In the 2014-15 Accountability Report, the percentage of youth criminal court cases completed within the 98 day target was reported as 56%. This figure has been revised to 57% due to the identification of additional cases involving restorative justice which were subsequently removed from the analysis, as well as the correction of case times for a small number of cases found to have incorrect end dates.

[iv] The Department of Justice went through a strategic planning process during which our outcomes and sub-outcomes were reviewed and revised. The wording of this sub-outcome in the 2015-16 Statement of Mandate was "Nova Scotians have access to better information and/or services at the right time to make the right legal decisions" but has been changed to "Facilitating informed decision making by providing accurate and timely information and support to government and the public."

[v] It should be noted that because respondents "self-select" to complete the online survey on the Family Law Nova Scotia website, responses may not be representative of all users of the website. As a result, comparisons over time of these online survey results should not be made.

[vi] This performance measures was initially worded in the Department of Justice's 2015-16 Statement of Mandate as follows: *"I feel better prepared for settlement or court."* The wording of this measure was narrow and has since been revised to *"the website helped me learn different ways of resolving conflict with respect to my family law issues"* which is broader.

[vii] The Department of Justice went through a strategic planning process during which our outcomes and sub-outcomes were reviewed and revised. The wording of this sub-outcome was initially "Preventing and reducing crime through the development of community and justice system partnerships" but has since been changed to "Working with partners and communities to support innovative initiatives to prevent and reduce crime and victimization."

[viii] For this measure, the number of gun-related incidents is the number of "shots fired calls" received by Halifax Regional Police per calendar year.

[ix] The base year number was erroneously reported as 32 in the 2015-16 Statement of Mandate. However, the number provided in this report is consistent with the 2014-15 Accountability Report.

[x] The Department of Justice did an internal review of this measure which was initially worded as "Availability/reach of rehabilitative programming". This has been changed to "Number of core programs offered in custody and community by site,' to reflect the number of programs available per site within a given fiscal year. Available programs are counted only once per site, per fiscal year. Core programs are defined by the department as targeted programs that are cognitive behavioral and/or psycho-educational based and have a defined curriculum to address offender criminogenic needs and promote behavior change. The data reflects the new measurement for 2013-14, 2014-15 and 2015-16.